

Chapter 9

Alcohol And Other Drugs

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Note: Beginning July 1, 2003, no person may legally operate a vehicle in New York State with a blood alcohol content (BAC) of 0.08% or more. This Driver's Manual version contains that information.

Topics:

- What Alcohol Does
- Other Drugs
- Alcohol, Drugs and the Law
- Your BAC
- Chemical Tests
- The Consequences
- A Few Important Reminders
- Avoiding Trouble

- **Practice Quiz**

Note: Practice quizzes are available only for those sections of the manual covering rules of the road (Chapters 4 through 11 and Road Signs).

You have probably heard the facts before - driving while impaired or intoxicated is a serious traffic safety problem in the United States. In New York State, more than 20 percent of all highway deaths involve the use of alcohol or other drugs. But, the facts and statistics do not tell the whole story. Behind the numbers are thousands of lives cut short, permanent or disabling injuries, and families devastated because someone drove while under the influence of alcohol or other drugs.

After you drink alcohol or take other drugs, safe driving is simply not possible. Not every impaired or intoxicated driver causes a traffic crash, but each one is dangerous, risking his or her life and the lives of those sharing the road.

Young people, who have less experience with both alcohol and driving, are at greatest risk. Drivers under 21 years old represent about 5 percent of the driving population, but 15 percent of the drivers involved in alcohol or drug-related fatalities. This is one reason the license revocation penalties are more severe for young drivers under the influence of alcohol or other drugs.

Because driving "under the influence" is so dangerous, the penalties for alcohol or drug-related violations are very tough and enforcement by police is a priority. Your chances of being caught and convicted are very high, and New York State law does not allow you to plea bargain to an offense not related to alcohol or drugs.

WHAT ALCOHOL DOES

Alcohol slows your reflexes and reaction time, reduces your ability to see clearly, distorts your judgment of speed and distances, often reduces your inhibitions from taking chances, and makes you less alert. The important physical and mental skills you need to drive safely are weakened.

Because your vision is already restricted at night, driving after drinking is especially dangerous after dark. In addition to its other effects, alcohol reduces your ability to recover from headlight glare. When another vehicle approaches, you can be blinded by its headlights for a dangerously long period of time.

You do not have to look or feel drunk for these things to happen. The effects of alcohol can begin long before you become intoxicated or even legally impaired and begin with the first drink.

As alcohol limits your physical ability to drive, it also makes you less aware of what is happening to your safe driving

abilities. It becomes difficult for you to judge your own condition. You may actually feel more confident about driving, when you should not be driving at all.

During each mile you drive, you literally make hundreds of decisions. You turn those decisions into actions that keep your vehicle under control and keep you from getting into traffic crashes. Alcohol makes it hard to make correct decisions and to take the safest actions.

For example: You have just stopped at a STOP sign. You see another vehicle approaching the intersection. You must quickly make a decision whether it is safe to go through the intersection. Under the influence of alcohol, you are more likely to make a wrong decision and "take a chance." Your slower reaction time, coupled with the poor decision, could mean real trouble. It could lead to a crash that should never have happened.

OTHER DRUGS

Many drugs other than alcohol, and many over-the-counter drugs, can affect your driving ability. They can have effects similar to alcohol or even worse. If you are taking medication, even a non-prescription allergy or cold remedy, check the label for warnings about its effects. If you're not sure, ask your doctor or pharmacist about driving after taking the medication.

Never drink alcohol while you are taking other drugs. It could be dangerous, often multiplying the effects of the alcohol and the other drug. For example, taking one drink when you are also using an allergy or cold remedy could affect you as much as several drinks.

It is a misdemeanor to drive while impaired by illegal drugs such as marijuana, cocaine, LSD, heroin and opium, and by some prescription drugs such as tranquilizers. Drugs can affect your reflexes, judgment, vision and alertness in ways similar to alcohol, and they may have other dangerous effects.

Combining alcohol with other drugs severely reduces your driving abilities and can cause serious health problems, including death.

ALCOHOL, DRUGS AND THE LAW

In New York State, you may be arrested for any of these offenses: driving while intoxicated (DWI), driving with a blood alcohol content of .08 percent or more (.08 BAC), driving while ability impaired by a drug (DWAI-drug), or driving while ability impaired by alcohol (DWAI).

Blood alcohol content (BAC) is the percentage of alcohol in your blood and is usually determined by a chemical test of breath, blood or urine. A BAC of more than .05 percent is legal evidence that you are impaired, and a BAC of .08 percent or higher is evidence of intoxication.

Many people think chemical test evidence is required to prove you were intoxicated or impaired. However, a police officer's testimony about your appearance and behavior when arrested can provide enough evidence alone to convict you, even without a chemical test.

In New York State, an alcohol or drug-related driving arrest cannot be reduced to a different type of violation unless the district attorney determines there is not enough evidence to support the charge of impaired or intoxicated operation. Therefore, an alcohol or drug-related arrest is hardly ever so-called "plea bargained" to a charge such as speeding or reckless driving.

If you are found guilty of any alcohol or drug-related driving violation, the court must revoke or suspend your license at the time you are sentenced. Even if the court allows you a 20-day continuation of driving privilege, your license itself will be taken immediately.

The BAC standards and penalties for commercial drivers are even more strict than those indicated in this chapter. For complete information, see Section 1 of the *Commercial Driver's Manual* (CDL-10).

YOUR BAC

Your blood alcohol content (BAC) primarily depends on:

- How much alcohol you drink.
- How much time passes between drinks.
- Your weight.

Your BAC *does not* depend on what *kind* of alcoholic beverage you drink, how physically fit you are, or how well you can "hold your liquor."

Different types of drinks do not affect you differently. It is the amount of alcohol you consume, not whether it is in beer, wine or wine cooler, or liquor, that raises your BAC and lowers your driving ability. These drinks contain about the same amount of alcohol - 1½ ounces of liquor, 5 ounces of wine, 12 ounces of beer, and 12 ounces of wine cooler. None is "safer to drink" than the others.

For a male weighing 150 pounds, each one of these drinks would contain enough alcohol to increase his BAC by about .02 percent. On average, it takes the human body about one hour to dispose of that much alcohol. However, studies suggest that a woman's body may process and remove alcohol from the blood more slowly than a man's. This may result in a higher BAC over a longer period of time.

Compared to the 150-pound male described above, your own body weight can make some difference in the BAC and the effects of alcohol. But no one is immune to the effects of alcohol. **It is a simple fact: the more you drink in a given period of time, the higher your BAC will be, and the less safe your driving will be.**

It takes only a few drinks to raise your BAC to levels at which it is illegal to drive. And remember, the effects of alcohol on your driving ability actually begin at even lower BAC levels after just one drink.

Eating before or while you drink helps slow down alcohol absorption somewhat, but it cannot prevent you from becoming impaired or intoxicated if you have too many drinks.

Coffee, exercise and cold showers cannot reduce your BAC and the effects of alcohol. They might help you stay awake, but it cannot affect your BAC or make you sober. *The only way to effectively reduce your BAC is to spend time without drinking.* You must allow your body enough time to absorb and dispose of the alcohol.

CHEMICAL TESTS

Chemical tests, such as the "breathalyzer," measure a person's BAC. If you are arrested for an alcohol or drug-related violation, the police officer will almost surely request that you submit to a chemical test. Under New York's "Implied Consent" law, by driving a car in this state you are considered to have already given your consent to take such a test.

Chemical test refusal is a separate issue from whether or not you were guilty of an alcohol or drug-related violation. If you refuse to take the test after being arrested, your license will be suspended when you are arraigned in court on the alcohol or drug-related charge. Also, the fact that you refused a chemical test may be introduced in court when you are tried on the alcohol or drug-related charge. If a DMV hearing later confirms you did refuse the test, your license will be revoked even if you are found not guilty of the alcohol or drug-related violation. For information on license revocations and civil penalties for chemical test refusals, see Chapter 2.

PENALTIES FOR ALCOHOL / DRUG RELATED VIOLATIONS			
DRIVING WHILE INTOXICATED DWI (.08 and higher Blood Alcohol Content [BAC] or other evidence of intoxication)			
CONVICTION	FINE ONLY *	JAIL SENTENCE	LICENSE ACTION ** AND

			REQUIREMENTS
1st Offense (Misdemeanor)	Minimum \$500 Maximum \$1,000	Up to 1 year	Minimum 6-Month Revocation
2nd Offense Within 5 Years (Class E Felony)	Minimum \$1,000 Maximum \$5,000	Up to 4 years; minimum 5 days jail or 30 days of community service	Minimum 1-Year Revocation, plus ignition interlock and alcohol assessment
3rd Offense or more Within 5 Years (Class D Felony)	Minimum \$2,000 Maximum \$10,000	Up to 7 years; minimum 10 days jail or 60 days of community service	Minimum 1-Year Revocation, plus ignition interlock and alcohol assessment
2nd Offense Within 10 Years (Class E Felony)	Minimum \$1,000 Maximum \$5,000	Up to 4 years	Minimum 1-Year Revocation
3rd Offense or more Within 10 Years (Class D Felony)	Minimum \$2,000 Maximum \$10,000	Up to 7 years	Minimum 1-Year Revocation
DRIVING WHILE ABILITY IMPAIRED DWAI (more than .05 up to .07 Blood Alcohol Content [BAC])			
CONVICTION	FINE ONLY *	JAIL SENTENCE	LICENSE ACTION ** AND REQUIREMENTS
1st Offense (Traffic Infraction)	Minimum \$300 Maximum \$500	Up to 15 days	90-day Suspension
2nd Offense Within 5 years (Traffic Infraction)	Minimum \$500 Maximum \$750	Up to 30 days	Minimum 6-Month Revocation
3rd Offense or more Within 10 years (misdemeanor)	Minimum \$750 Maximum \$1,000	Up to 180 Days	Minimum 6-Month Revocation, if violation occurred within 5 years of prior violation
ZERO TOLERANCE Drivers Under 21 (DMV administrative finding of .02 to .07 Blood Alcohol Content [BAC])			
	CIVIL PENALTY	LICENSE ACTION	ADDED FEE
1st Offense	Minimum \$125	6-Month Suspension	\$100 Suspension Termination Fee
2nd Offense	Minimum \$125	1-Year Revocation or until age 21, whichever is longer	\$100 Re-application Fee

* Conviction fine only, does not include mandatory surcharge or crime victims assistance fee.

****** The Department of Motor Vehicles determines when your license can be returned. Its return or reinstatement based on state law or regulation, is not automatic. You must reapply for your license and may have to pass a test.

THE CONSEQUENCES

The table "Penalties for Alcohol/Drug Related Violations" summarizes the fines, surcharges, license penalties and possible imprisonment you would face if convicted of an alcohol or drug-related violation. In addition to these penalties, impaired or intoxicated driving can carry other serious consequences.

Zero Tolerance for Drivers Under 21

The legal purchase and possession age for alcoholic beverages in New York State is 21. Under the state's Zero Tolerance law, it is a violation for a person under age 21 to drive with any measurable BAC (.02 to .07). After a finding of violation is determined at a DMV hearing, the driver's license will be suspended for six months. The driver will then have to pay a \$100 suspension termination fee and a \$125 civil penalty to be re-licensed. For a second Zero Tolerance violation, the driver's license will be revoked for at least one year or until the driver reaches age 21, whichever is longer.

Illegal Purchase Of Alcoholic Beverages

If you illegally purchase alcoholic beverages by using a New York State driver license or Non-Driver ID card as proof of age, state law requires the suspension of your driver license or privilege of apply for a license.

Open Container Law

It is a traffic infraction for a driver or passenger in a motor vehicle on a public highway, street or road, to drink an alcoholic beverage, or to possess an alcoholic beverage with the intent of drinking it. The penalty for a first conviction is two points assess against the driver's license record, a fine up to \$150, a mandatory surcharge, a crime victim assistance fee, and potential imprisonment up to 15 days. Additional offenses within 18-months bring higher penalties. The law exempts passengers in vehicle such as stretch limousines, and other vehicles, that display a commerce certificate or permit issued by the U.S. Department Of transportation or the NYS Department Of Transportation.

The Ignition Interlock Program

A judge can order an ignition interlock device as a condition of a probation period that begins when an alcohol-related license revocation is complete. For any repeat offense within five years, a judge is required to order the system to be installed on each vehicle registered to the motorist during both the revocation period and any probation period that follows. The judge also must order an alcohol assessment for the repeat offender. If the assessment indicates the need for alcohol treatment, the judge can order completion of the treatment as a condition of probation.

This device, purchased and installed at the expense of the motorist, is connected to a motor vehicle ignition system and measures the alcohol content of the operator's breath. As a result, the vehicle cannot be started until the driver provides an acceptable sample breath. While using the interlock device, the motorist may be eligible to hold a conditional license. This license will be revoked if the motorist fails to comply with the court's terms, or for conviction of any traffic offense other than parking, stopping or standing.

A FEW IMPORTANT REMINDERS

- If you kill or seriously injure another person because of an alcohol or drug-related violation, you can be convicted of vehicular manslaughter or assault, carrying a fine of up to \$5,000 and a jail term of up to seven years.
- If you are convicted of two DWI violations, both resulting in physical injury traffic crashes, your license will be revoked permanently.
- If you drive while your license is suspended or revoked, you face a mandatory fine of \$200 to \$1000, and a

mandatory jail term or probation. If impaired or intoxicated at the time of arrest, the maximum mandatory fine is \$5,000, and the vehicle may be seized and forfeited.

- Liability insurance may not cover the cost of injuries and damage from a traffic crash. You could be sued for thousands of dollars. You'd also find it difficult and expensive to buy liability insurance for several years.
- In addition to fines and surcharges, you could also face very expensive legal fees.
- You could have a criminal record, making it more difficult to get a job or advance your career.

The worst consequence, however, is death or injury to yourself or someone else. It may be hard for you to imagine that you could be involved in a fatal or injury traffic crash while driving impaired or intoxicated - but it happens to thousands of drivers every year who also thought it could never happen to them.

Alcohol and drugs give you a false sense of confidence. You are not likely to worry about the consequences while you already are impaired or intoxicated. The time to consider them, and how to avoid them, is before you are under the influence.

AVOIDING TROUBLE

The only sure way to avoid the consequences of drunken and drugged driving is not to use alcohol or drugs before you drive, and when you are driving. There are several ways to do this:

- If you regularly go to social events with the same group of friends, rotate drivers. Each friend takes a turn being the "designated driver" who does not drink alcohol.
- Arrange to stay overnight or ride home with a friend who does not drink. Make plans ahead of time, before you start drinking.
- Before you begin drinking, give your car keys to a friend who does not drink and who will not let you drive after drinking.
- Call a cab or use public transportation.

With a little thought and planning ahead of time, you can stay out of trouble. You can take other precautions:

- If you drink, choose beverages with lower alcohol content, such as low-alcohol beers and wines.
- Drink slowly. Alternate between drinks with alcohol and drinks without any alcohol.
- Do not make alcohol the centerpiece of your social event. Conversation, games and recreation are the real reasons we get together with friends.
- Eat a good meal before you drink, and have snacks while you drink.
- If you feel you've had too much alcohol to drink, stop drinking several hours before you intend to leave and allow time for your body to lower your BAC.
- Listen to your friends. Accept their help. If they warn you about not driving, take their concern seriously. Do not laugh it off or become angry.

QUESTIONS

Before going on to Chapter 10, make sure you can answer these questions:

- How does drunken driving rank as a highway safety problem?

- What are the effects of alcohol on the skills you need to drive?
- Which of these drugs could affect your driving ability: marijuana, a cold remedy, a tranquilizer?
- If you are taking a non-prescription drug, what should you do before driving?
- What is a likely effect of taking another drug while drinking alcoholic beverages?
- On what three factors does your blood alcohol content (BAC) depend?
- Which of these contains more alcohol than the other two: 1½ ounces (30 ml) of 80 proof liquor, five ounces (120 ml) wine, 12 ounces (360 ml) of beer, 12 ounces (360 ml) of wine-cooler?
- On average, how long does it take your body to dispose of the alcohol contained in 12 ounces of beer?
- What is the only effective way to reduce your BAC?
- What happens to your driver's license if you refuse a chemical test?
- Other than fines, action against your license and a possible jail term, what are some of the consequences of driving under the influence of alcohol or other drugs?

End of Chapter 9:

Take the Quiz!

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